



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

10-1

SUBDIVISION REVIEW BOARD

Promoting the wise use of land
Helping build great communities

MEETING DATE June 5, 2006	CONTACT/PHONE Michael Conger (805) 781-5136	APPLICANT Albert M. Fisher	FILE NO. CO 05-0331 SUB2005-00137
SUBJECT Request by Albert M. Fisher for a Vesting Tentative Parcel Map (CO 05-0331) and a Conditional Use Permit to subdivide an existing 8,420 square-foot parcel into three parcels and construct three residences as a planned development. The proposed residential parcels are approximately 1,378 square feet, 1,382 square feet, and 1,653 square feet each with an exterior commonly-held parcel. The proposed residences are two-story, include an attached two car garage, and have approximately 1,197 square feet of living space each. The proposal includes private yard area for each unit, and a landscaped area along the street frontage and the common driveway. The project is proposed as affordable housing. The proposed project would result in disturbance of 8,420 square feet. The project site is located at 1661 Paso Robles Street (north side), approximately 50 feet west of Seventeenth Street, in the community of Oceano. The site is in the San Luis Bay (Inland) planning area.			
RECOMMENDED ACTION Approve Vesting Tentative Parcel Map CO 05-0331 and Conditional Use Permit based on the findings listed in Exhibit A and B and the conditions listed in Exhibit C and D			
ENVIRONMENTAL DETERMINATION A Class 3 and Class 15 Categorical Exemption was issued on April 10, 2006.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NUMBER 062-081-006	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Oceano Specific Plan; Curb, Gutter, and Sidewalk; Airport Review Area; Residential Multi-Family			
LAND USE ORDINANCE STANDARDS: Development Standards; Landscaping; Parking			
EXISTING USES: Single-Family Residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/ single family dwellings <i>East:</i> Residential Multi-Family/ apartments <i>South:</i> Residential Multi-Family/ apartments <i>West:</i> Residential Multi-Family/ single family dwellings			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Supervisor Achadjian's Office, Public Works, Environmental Health, County Parks, Oceano Community Services District, ALUC, APCD, Cal Trans			
TOPOGRAPHY: Level		VEGETATION: Ornamental	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Oceano Fire (Oceano CSD)		ACCEPTANCE DATE: April 7, 2006	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ Fax: (805) 781-1242			

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BACKGROUND:

On October 18, 2002, the Planning Department Hearing Officer approved Minor Use Permit D010347P, which was a request by Albert Fisher to allow the demolition of a four-unit apartment building, and construction of three single family residences in its place. Three of the units in the apartment building served as de-facto affordable housing. Because that project site is within the Coastal Zone and subject to the standards of the Coastal Zone Land Use Ordinance (Title 23), the applicant was required by condition to construct three residential units elsewhere in Oceano. The condition reads as follows:

Prior to issuance of a construction permit for the second house, the applicant shall comply with the affordable housing replacement requirements of CZLUO section 23.04.092(b)(1) and (2). Compliance with this section requires the construction of three affordable housing units in the community.

The intent of this proposed planned development is to create three single family residential units available for individual sale. The applicant has specified his intent to dedicate these units as affordable housing, thus allowing him to meet the affordable housing condition imposed through Minor Use Permit D010347P.

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.080 of the Land Use Ordinance allows the Review Authority to determine the minimum parcel size of a planned development through the Conditional Use Permit process. Residential density of the planned development must comply with the maximum density set by the Land Use Ordinance and Planning Area Standards.

Residential Density

Allowed residential density in the Residential Multi-Family land use category is determined using the density/intensity tests for multi-family dwellings.

Intensity Factor	Paved local street, community sewer, less than 1000 feet from CBD	High Intensity	
Standards	Required	Proposed	Satisfied
Maximum Density	High Intensity (38 u/ac) = 7 units Planning Area Standard (15 u/ac) = 3 units	3 units (15 u/ac)	Yes
Maximum Floor Area	High Intensity (65%) = 5,473 sq ft Planning Area Standard (48%) = 4,042 sq ft	3,591 sq ft (42%)	Yes
Minimum Open Area	High Intensity (40%) = 3,368 sq ft	5,755 sq ft (68%)	Yes

Development Standards

Chapter 22.10 of the Land Use Ordinance establishes development standards. The proposed planned development meets all of the standards of Chapter 22.10, as indicated by the following table:

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Standards	Required	Proposed	Satisfied
Minimum Site Area	6,000 square feet	8,420 square feet	Yes
Front Setback	–Special setbacks may be established through the Conditional Use Permit process–	15 feet	Yes
Side Setback		5 feet	Yes
Rear Setback		10 feet	Yes
Interior Setbacks		13 feet, 30 feet	Yes
Height	35 feet	22 feet	Yes
Parking	Resident - 6 spaces Guest - 1 space	Resident - 6 spaces Guest - 1 space	Yes

Landscape Plans

The project has been conditioned to provide revised landscape plans to meet the standards of Chapter 22.16 of the Land Use Ordinance.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing – Density Bonus

In order to qualify for a density bonus, a project must include five dwelling units exclusive of the bonus units. As this project only proposes three units, it does not satisfy the requirements for an affordable housing density bonus.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance. As the project consists of parcels under an acre in size in an urban area served by community water, conditions have been included to satisfy the street tree requirement. The project site has 50 feet of street frontage, and therefore requires two street trees.

PLANNING AREA STANDARDS:

Oceano Specific Plan

Development within the Oceano Urban Reserve Line must be in conformity with the Oceano Specific Plan. The Oceano Specific Plan includes a set of residential design guidelines which are intended to promote the community's vision for high quality development.

“Develop ‘Neighborhoods’” – The proposed project is designed to integrate with the existing neighborhood. The front residence is oriented to face the street. Additionally, design elements (porch, varied materials, etc.) are incorporated to reduce the massing of the front unit as viewed from the street.

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"Integrate Open Space" – The proposed project is approximately 120 feet from the Oceano Elementary School. A sidewalk will connect the project site to the school site. Additionally, the project includes private open space areas for each unit and a front landscaped area.

"Treatment of Edges" – The project as proposed addresses Paso Robles Street by having the front unit face the street. A landscaped area adjacent to the fence along the westerly property line will serve to reduce its massing.

"Site Planning" – The proposed residential units are concentrated towards the eastern property line, adjacent to an existing two-story apartment building. This allows the project to better respect the privacy of the older one-story single family residences to the west.

"Parking and Driveways" – Parking is provided to the units by individual two-car garages. A centrally located guest space is also included. The applicant has agreed to provide a colored and textured driveway entrance.

"Scale" – The front unit includes a porch along the portion of the building paralleling Paso Robles Street, and additional architectural details intended to reduce the scale of the front façade.

"Exterior Finish Materials" – As proposed the project will include the use of stucco on the lower floor and fiber-cement (Hardie) siding on the upper floor. These materials are considered durable, and do not require heavy maintenance.

As proposed the project is consistent with the applicable design standards in the Oceano Specific Plan.

Curb, Gutter, and Sidewalk

The project as proposed would trigger the planning area standard requiring the installation of curbs, gutters, and sidewalks along the project's frontage. Additionally, Public Works has requested that Paso Robles Street be widened to complete an A-2 Urban section across the project frontage, which includes curb, gutter, and sidewalk.

Oceano Residential Multi-Family Standards

The proposed project requires a Conditional Use Permit, which exceeds the Minor Use Permit requirement established by the planning area standards. Limitations on density and floor area set by planning area standards are addressed in the "Residential Density" section above.

COMBINING DESIGNATIONS:

Airport Review Area

The proposed project is located in the Airport Review Area for the Oceano County Airport. The project was referred to the Airport Land Use Commission for their review and comments. No comments were received as of May 16, 2006. The project has been conditioned to require the granting of an aviation easement as required by the Land Use Ordinance.

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ENVIRONMENTAL DETERMINATION:

Categorical Exemption

This project qualifies for a Class 3 (construction of three or fewer single-family residences) and a Class 15 (subdivision of four or fewer lots) categorical exemption from CEQA, as described in Finding A in Exhibit A and Exhibit B.

Noise

The Noise Element shows the project site within the 50 dB_{Leq} daytime contour and the 45 dB_{Leq} nighttime contour as measured from the cold storage facilities located along Railroad Street in Oceano. The contours provided in the noise element do not consider physical noise attenuation occurring as a result of topography or existing structures. The project site is located directly across the street from the Oceano Oak Forest Apartments (APN: 062-082-025), which consist of two two-story buildings (approximately 40 feet x 140 feet and 40 feet by 180 feet, respectively). These buildings, coupled with the development along Front Street, serve to disrupt line-of-site noise transmission between the cold storage facilities and the project site. Staff visited the project site on December 21, 2005 and May 5, 2006, and did not experience any unusual noise levels from stationary sources.

Appendix A of the Noise Element provides several site design techniques for controlling noise levels. The applicant considered these techniques in developing the site design. Structures are located towards the eastern portion of the property, furthest from the noise source. Additionally, the private outdoor activity areas are placed centrally, in order to use the structures to block any inbound noise. When considering that existing development serves to block the project site from noise reception, and that the proposed site design further serves to reduce potential noise reception, staff feels that it is reasonable to conclude that there is no potential for significant noise impacts.

COMMUNITY ADVISORY GROUP COMMENTS:

The referrals for this project were distributed at a time when no advisory council served the Oceano area in an official capacity. Referrals that would have normally been distributed to an advisory council were instead distributed to Supervisor Achadjian's office. As of May 16, 2006, no response to this referral has been received.

AGENCY REVIEW:

Public Works- Provided stock conditions.

Environmental Health- Provided stock conditions

County Parks- As of May 16, 2006, no response has been received.

Oceano Community Services District- Provided an intent-to-serve letter dated October 3, 2005.

OCSF Fire Department – Provided a letter noting that the project is exempt from providing a fire safety plan.

ALUC- As of May 16, 2006, no response has been received.

APCD- Provided a letter dated February 8, 2006 addressing emission concerns regarding the project's construction phase and operational phase.

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LEGAL LOT STATUS:

The two existing lots were legally created by a recorded map (Town of Oceano #2), recorded January 30, 1899 in Book A, Page 148 of Maps.

FINDINGS - EXHIBIT A

CONDITIONAL USE PERMIT FINDINGS FOR SUB2005-00137

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3 and 15) pursuant to CEQA Guidelines Section 15303 and 15315 because the project consists of the subdivision of property in an urbanized area zoned for residential development into four or fewer parcels, and development of three residences. No variance or road exceptions are required, and all services and access to the proposed parcels are available. The project site was not previously subdivided within the last two years. The average slope of the project site is less than 20 percent. Cumulative impacts are not expected to occur, and there is no reasonable possibility that the project will have a significant impact on the environment due to unusual circumstances.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the planned unit development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the planned unit development is consistent with the Oceano Specific Plan, and is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Paso Robles Street, a collector road constructed to a level able to handle any additional traffic associated with the project.

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FINDINGS - EXHIBIT B

PARCEL MAP FINDINGS FOR SUB2005-00137 / CO05-0331

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 15) pursuant to CEQA Guidelines Section 15303 because the project consists of the subdivision of property in an urbanized area zoned for residential development into four or fewer parcels. No variance or road exceptions are required, and all services and access to the proposed parcels are available. The project site was not previously subdivided within the last two years. The average slope of the project site is less than 20 percent. Cumulative impacts are not expected to occur, and there is no reasonable possibility that the project will have a significant impact on the environment due to unusual circumstances.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi-Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contains adequate area for development of a three single family residences in a planned unit development.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a three-unit planned unit development.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is an infill project located within the community of Oceano, which is an urbanized community that does not contain significant fish or wildlife habitat.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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CONDITIONS - EXHIBIT C

CONDITIONAL USE PERMIT CONDITIONS FOR SUB2005-00137

Approved Development

1. This approval authorizes
 - a. The subdivision of an existing 8,420 square-foot parcel into three parcels of approximately 1,378 square feet, 1,382 square feet, and 1,653 square feet each, and a commonly held external parcel, in accordance with the attached exhibits.
 - b. The construction of three two-story single family residences, including a two-car garage and approximately 1,197 square feet of living space each, to be designated as affordable housing.
 - c. Maximum height is 22 feet from average natural grade.
2. Upon completion of this project (i.e. map recordation and certificates of occupancy), Condition 14 of Minor Use Permit D010347P, pertaining to affordable housing, shall be considered satisfied.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations
4. **At the time of application for construction permits**, submit a revised landscape plan prepared by a qualified professional (i.e. landscape architect/contractor, arborist, nurseryman) to the Department of Planning and Building for review and approval. The landscape plan shall be consistent with the preliminary landscape plans with the following amendments:
 - a. The landscape plan, irrigation plan, and landscape maintenance plan shall meet the standards of Chapter 22.16 of the Land Use Ordinance.
 - b. Landscaping shall include a planted area to the west of the proposed common driveway. At maturity landscaping shall serve to partially screen the western wall (i.e. shrubs, vines, etc.).
 - c. The landscaping plans shall include two street trees to be planted between the front face of the house on Lot 3 and the curb on Paso Robles Street. Street trees shall be of a species native to San Luis Obispo County. Plantings shall be, at a minimum, from 15 gallon containers.

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5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
6. **At the time of application for construction permits, or application for subdivision improvement plans, whichever occurs first**, the applicant shall supply the Department of Planning and Building with details for the colored and textured driveway pavement treatment, for review and approval. At minimum the pavement treatment shall extend the width of the driveway from the right-of-way line thirty-five feet to the north.
7. **At the time of application for construction permits, or application for subdivision improvement plans, whichever occurs first**, the applicant shall supply the Department of Planning and Building with cross sections of the drainage basin in the common area fronting Paso Robles Street, for review and approval. Two cross sections, one parallel and one perpendicular to the right-of-way line, shall be provided. The front drainage basin shall not exceed one foot in depth from average natural grade, unless an underground drainage basin design is utilized.

Fire Safety

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

9. **At the time of application for construction permits**, the applicant shall provide a letter from Oceano Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Existing Structure

10. **Prior to issuance of a construction permit**, the existing residence on the project site, and any other accessory structures, shall be removed. A demolition permit may be required.

Fees

11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

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Air Quality

12. **Prior to issuance of a demolition permit for the demolition of the existing single-family residence**, the applicant shall contact the Air Pollution Control District (Tim Fuhs, 805-781-5912) to determine if the project is subject to the National Emission Standard for Hazardous Air Pollutants (NESHAP). The applicant shall provide the Department of Planning and Building with evidence that any demolition requirements have been met to the satisfaction of the Air Pollution Control District.
13. **Prior to issuance of a construction permit, or approval of subdivision improvements, whichever occurs first**, the applicant shall contact the Air Pollution Control District (APCD) to ensure compliance with construction permit requirements. Additionally, the applicant supply APCD with a Naturally Occurring Asbestos (NOA) Construction and Grading Project Form completed to their satisfaction. Any required elements (i.e. geological evaluation, dust control plan, etc.) shall be provided to the APCD, as needed.

Affordable Housing

14. All residential units in the project shall be retained as affordable rental or ownership units for moderate income households, pursuant to LUO Section 22.12.070. **Prior to or concurrent with map recordation, or prior to issuance of a construction permit, whichever occurs first**, the subdivider shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 22.12.070A(4) and/or LUO 22.12.070D(3) shall apply to ownership units at the time of sale of the unit.

Conditions to be completed prior to occupancy or final building inspection

15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
16. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall provide adequate signage to ensure that both the paved turnaround area adjacent to Lot 1 and the guest parking space between Lots 2 and 3 are reserved for their respective uses.
17. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Oceano Fire Department (Oceano Community Services District) of all required fire/life safety measures.
18. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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On-going conditions of approval (valid for the life of the project)

19. Developmental burning of vegetative material is prohibited. If no technically feasible alternatives are available, the applicant shall contact to the Air Pollution Control District (Karen Brooks, 805-781-5912) to determine if limited developmental burning under restrictions may be allowed.
20. The following dust control measures shall be implemented during the construction phase of the project (site disturbance, construction of improvements, etc.):
 - a. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used where feasible.
 - b. Dirt stockpile areas shall be sprayed daily as needed.
 - c. Sidewalks and the common driveway shall be completed as soon as possible and building pads laid as soon as possible after grading unless seeding or soil binders are used.
21. Only those wood burning devices that have been approved by the APCD may be installed in new dwelling units.
22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
23. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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CONDITIONS - EXHIBIT D

PARCEL MAP CONDITIONS FOR SUB2005-00137 / CO05-0331

Approved Project

1. Vesting Tentative Parcel Map (CO 05-0331) and Conditional Use Permit to subdivide an existing 8,420 square-foot parcel into three parcels and construct three residences as a planned development. The proposed residential parcels are approximately 1,378 square feet, 1,382 square feet, and 1,653 square feet each with an exterior commonly-held parcel. The proposal includes private yard area for each unit, and a landscaped area along the street frontage and the common driveway. The project is proposed as affordable housing. The proposed project would result in disturbance of 8,420 square feet.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Paso Robles Street widened to complete the project side of an A-2 Urban section fronting the property.
3. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
4. All driveways shall be constructed in accordance with County Standard Improvement Specification and Drawings. All driveways constructed on county roads require an encroachment permit.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer Plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Common driveway (including color and texture treatment).

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6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. reserved as a drainage easement in favor of the owners and assigns.
11. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. The WDID number shall be provided to the County.

Utilities

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed.
15. A six-foot public utility easement on private property along Paso Robles Street, plus those additional easements required by the utility company, shall be shown on the final parcel or tract map.

Design

16. The lots shall be numbered in sequence.

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17. The existing residence on the project site shall be removed **prior to filing the final parcel map**. A demolition permit may be required.

Parks and Recreation (Quimby) Fees

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed.

Affordable Housing

19. All residential units in the project shall be retained as affordable rental or ownership units for low or moderate income households, pursuant to LUO Section 22.12.070. **Prior to or concurrent with map recordation**, the subdivider shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 22.12.070A(4) and/or LUO 22.12.070D(3) shall apply to ownership units at the time of sale of the unit.

Easements

20. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel **prior to filing of the final parcel or tract map**.

Landscape Plans

21. If a drainage basin is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to approval of improvement plans or filing of the final parcel or tract map, whichever occurs first. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include landscaping for erosion control.
22. All approved landscaping shall be installed or bonded for prior to completion of the improvements or filing of the final parcel or tract map which ever occurs first, and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 60 days of completion of the improvements.

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Additional Map Sheet

23. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The owners of each individual lot are responsible for on-going maintenance of drainage basins within their respective parcel boundaries, in perpetuity.
 - b. If a drainage basin is required, the owners of each individual lot are responsible for on-going maintenance of drainage basin landscaping in a viable condition on a continuing basis into perpetuity.
 - c. All driveways shall be constructed in accordance with County Standard Improvement Specifications and Drawings. All driveways constructed on county roads require an encroachment permit.
 - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Covenants, Conditions and Restrictions

24. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basins within the commonly-held parcel.
 - b. On-going maintenance of landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of common areas.
 - d. Maintenance of the common driveway.
 - e. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

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Miscellaneous

25. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
26. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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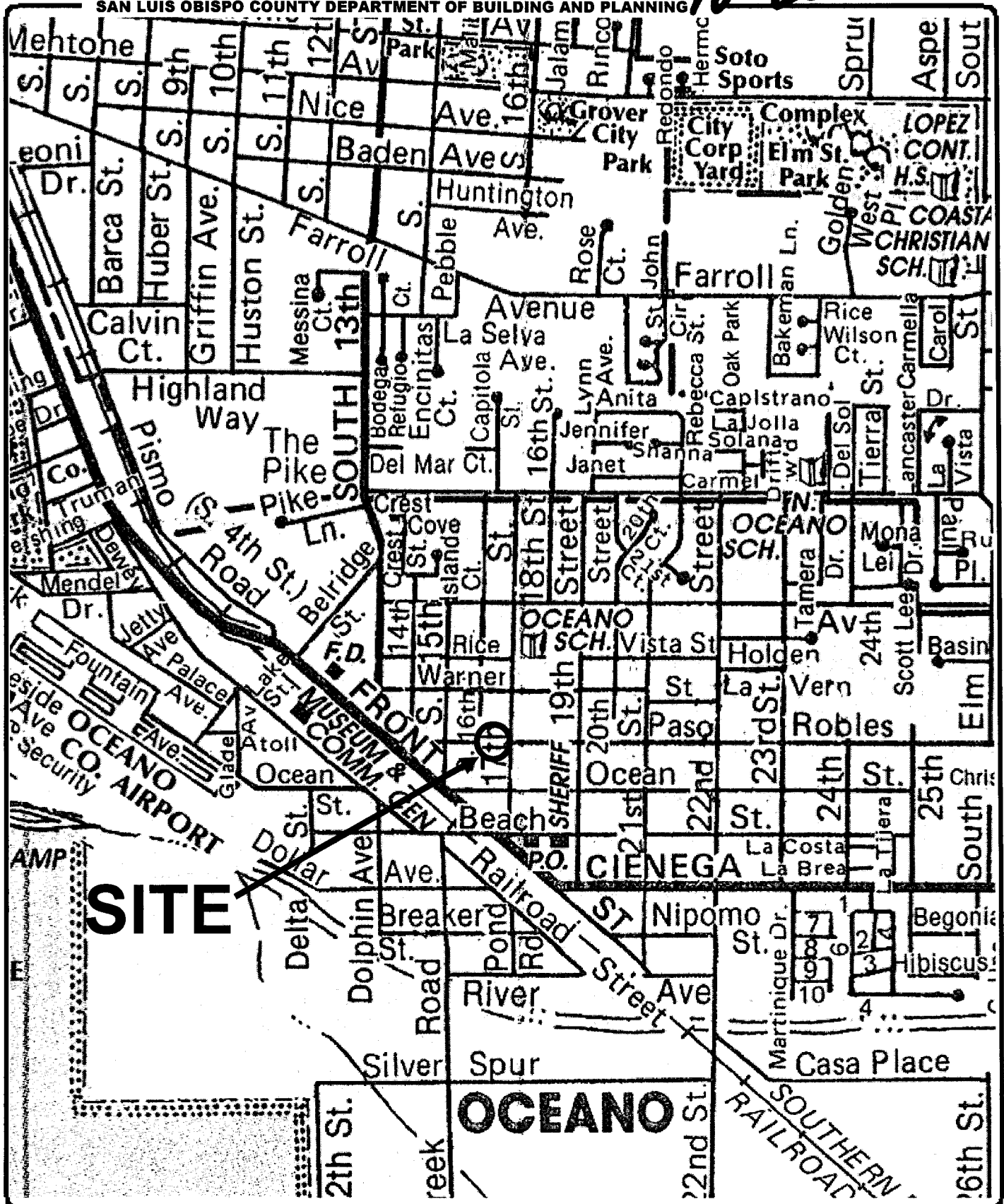
STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

10-19

12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

10-20



PROJECT

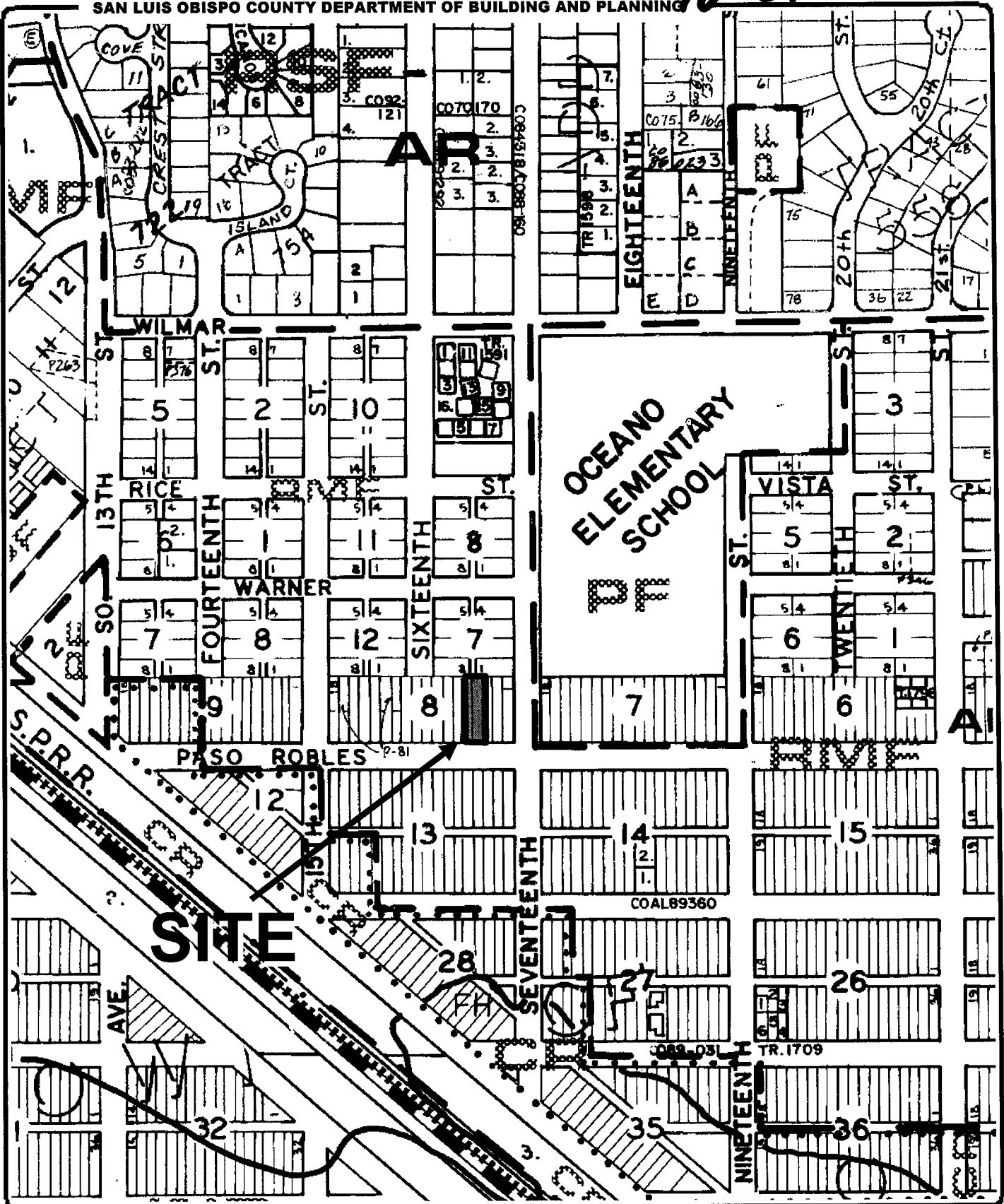
Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331



EXHIBIT

Vicinity Map

10-21



PROJECT

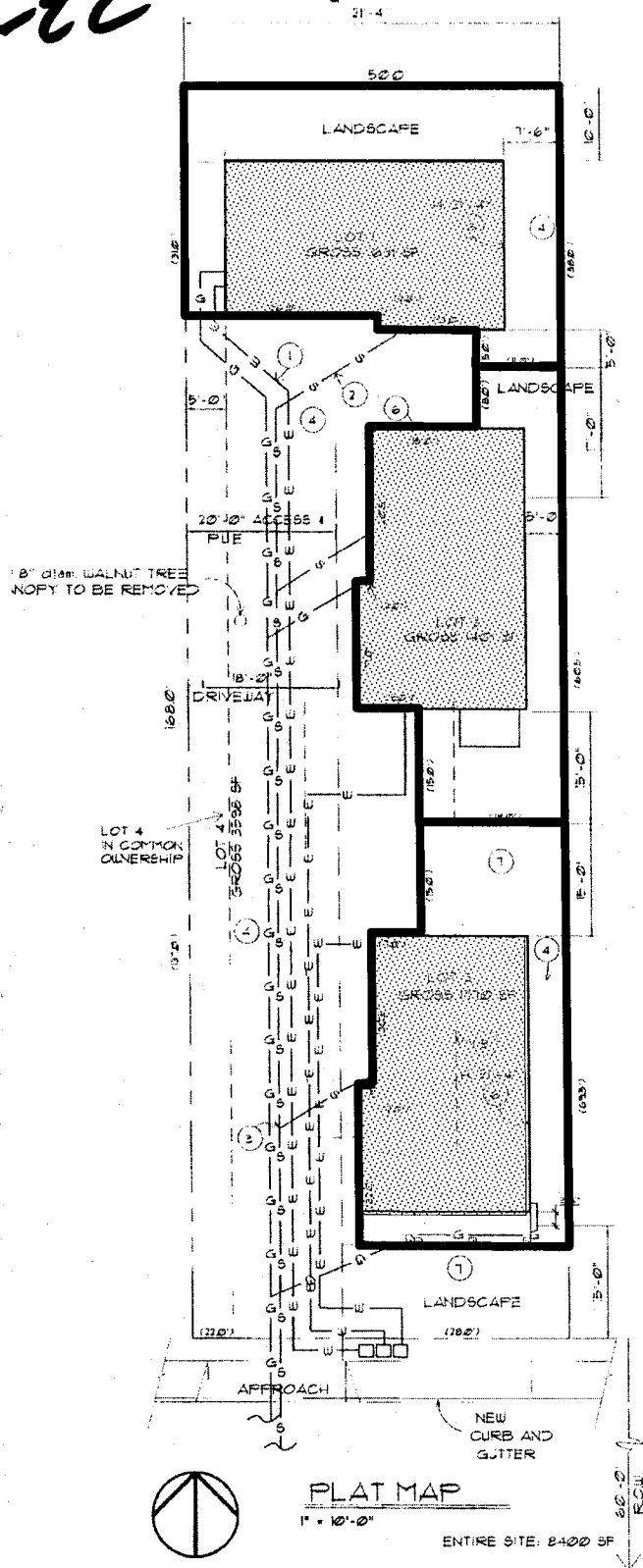
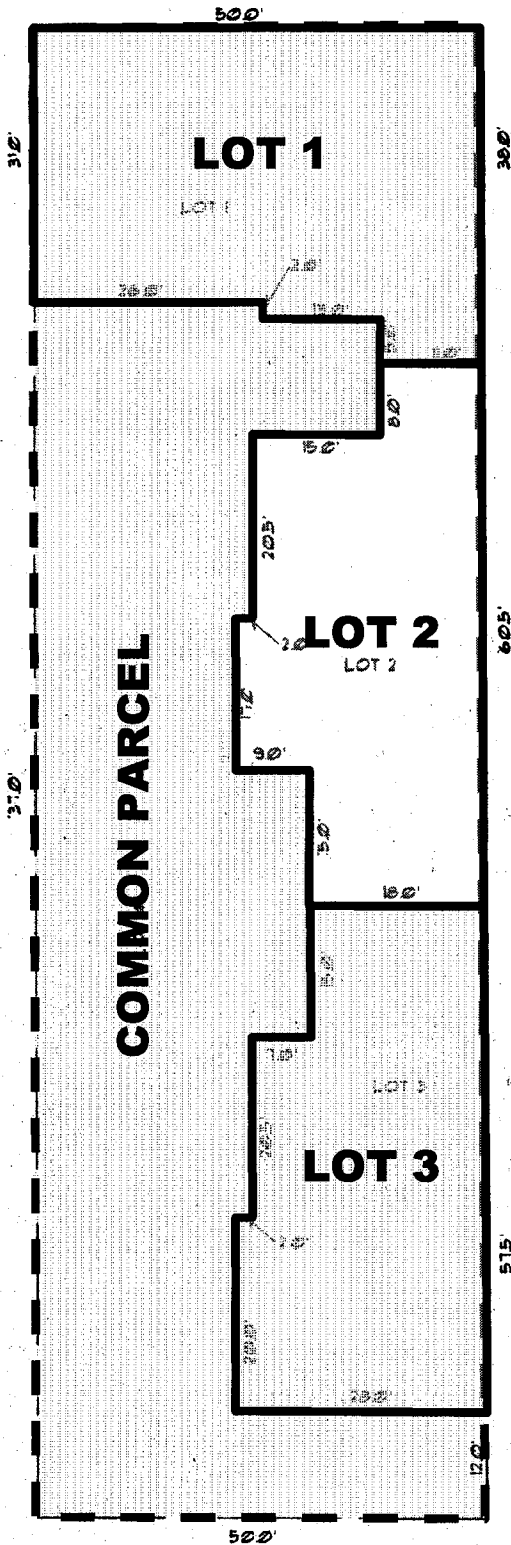
Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331



EXHIBIT

Land Use Category Map

10-22



PROJECT

Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331



EXHIBIT

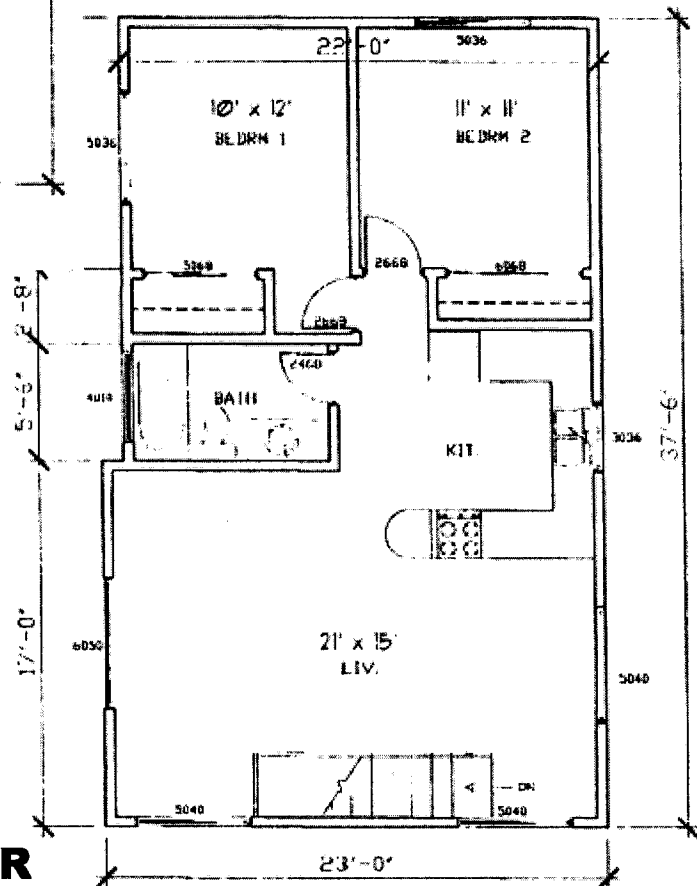
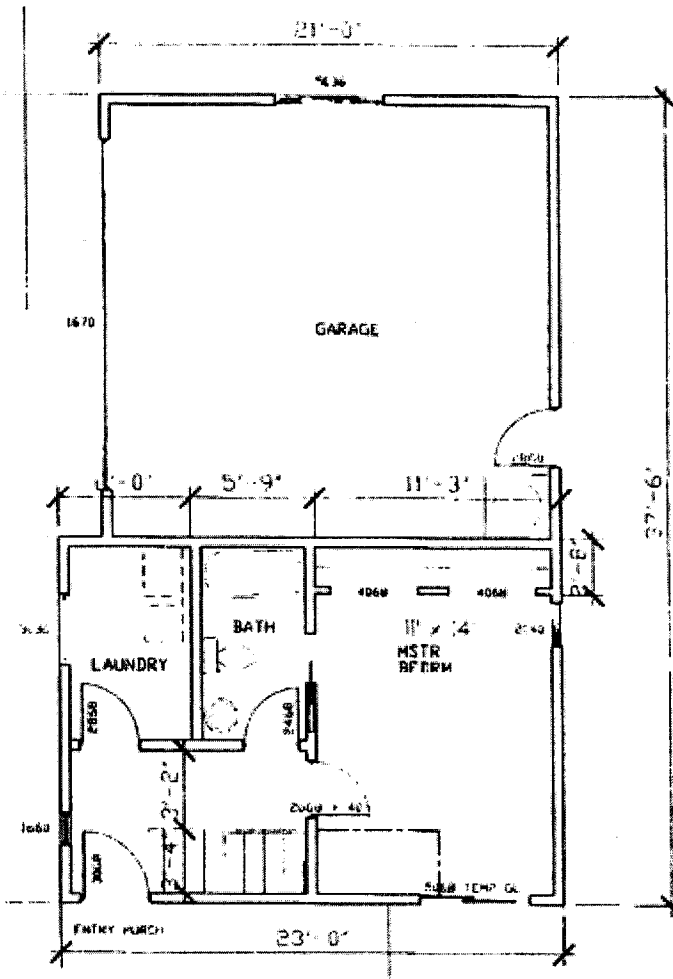
Subdivision Plan



Preliminary Landscape / Site Plan

10-24

LOWER FLOOR



UPPER FLOOR

PROJECT

Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331

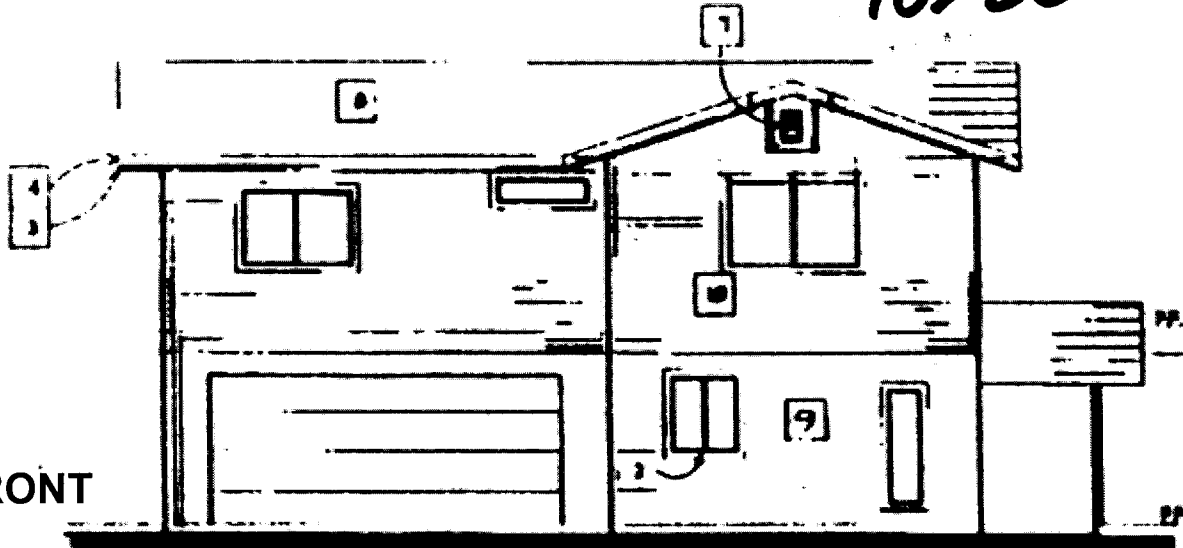


EXHIBIT

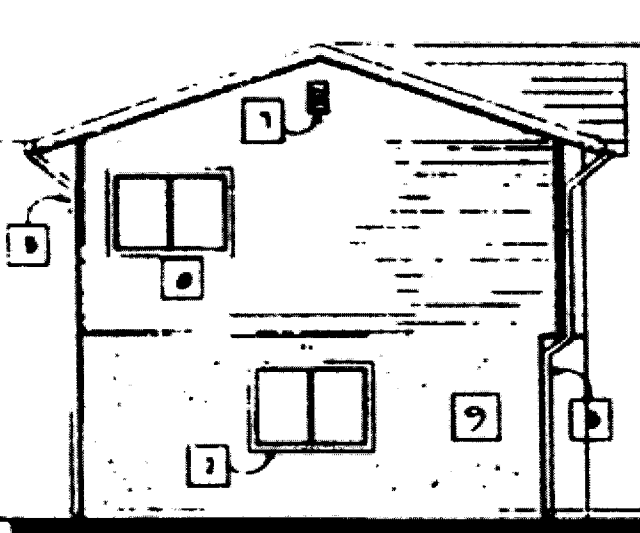
Floor Plan

10-25

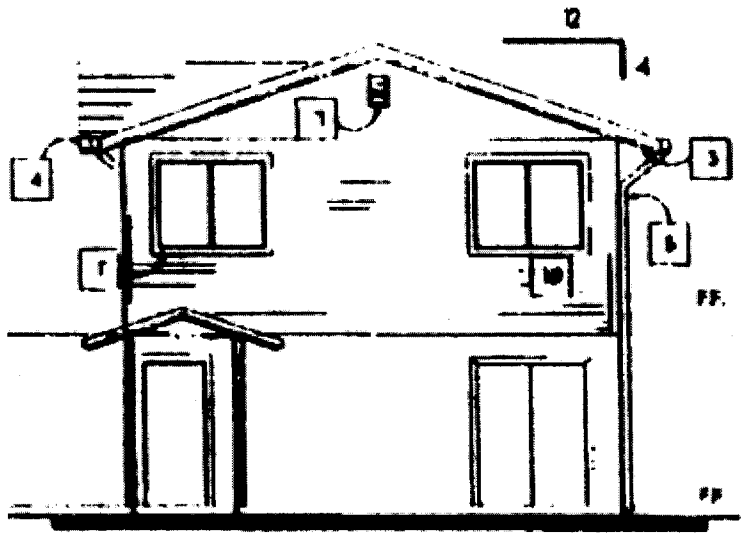
FRONT



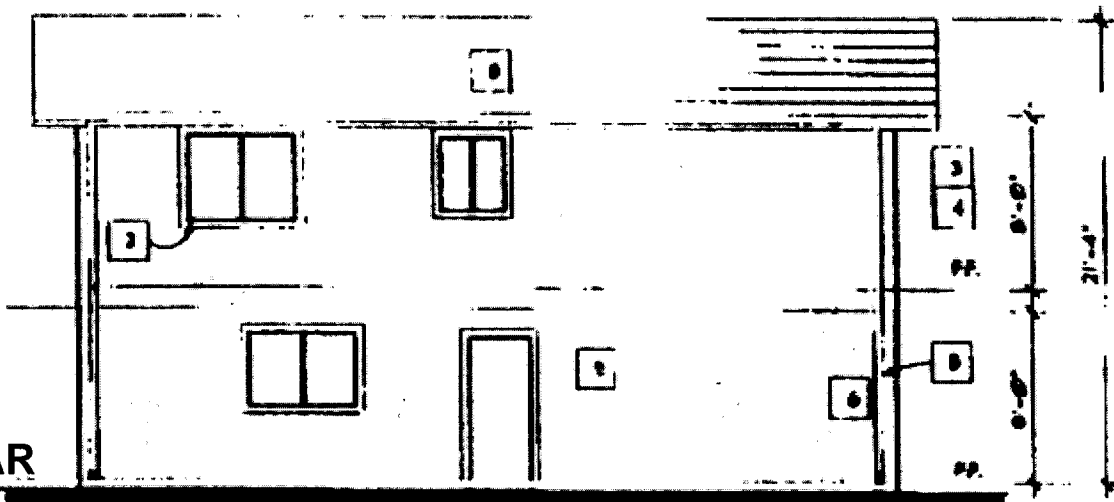
LEFT



RIGHT



REAR



PROJECT

Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331



EXHIBIT

Elevations - Lot 1

10-26

FRONT

LEFT

RIGHT

REAR

PROJECT
Parcel Map / Conditional Use Permit
Fisher – SUB2005-00137 / CO05-0331

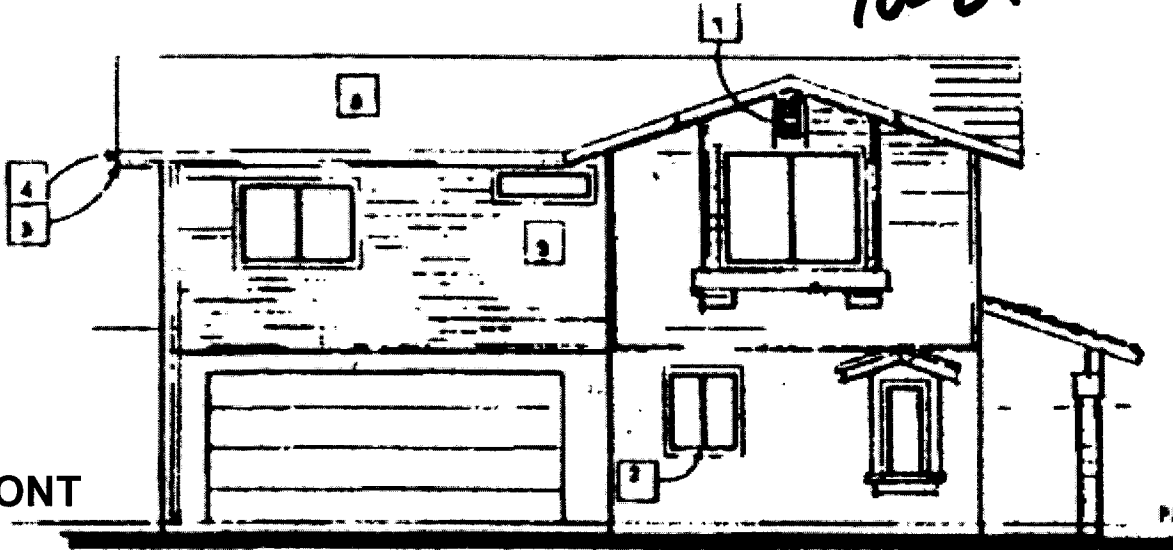


EXHIBIT

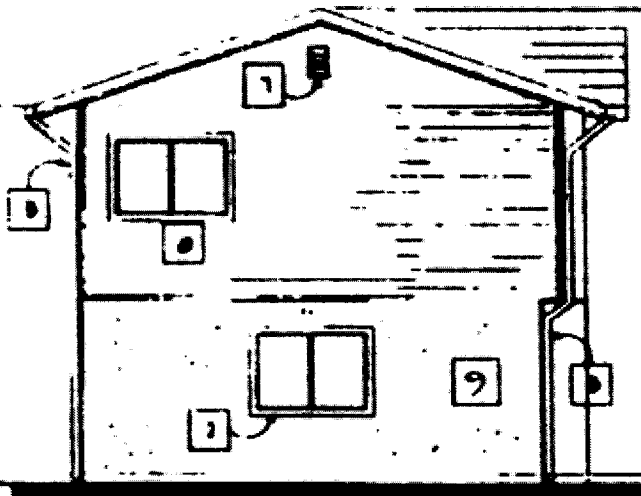
Elevations – Lot 2

10-27

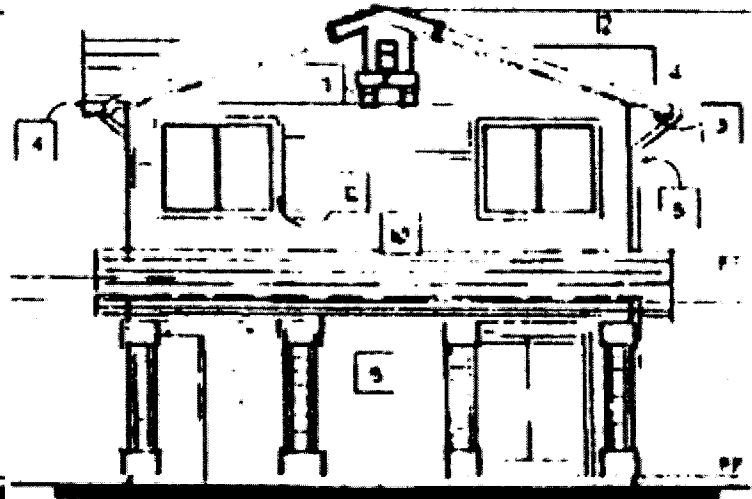
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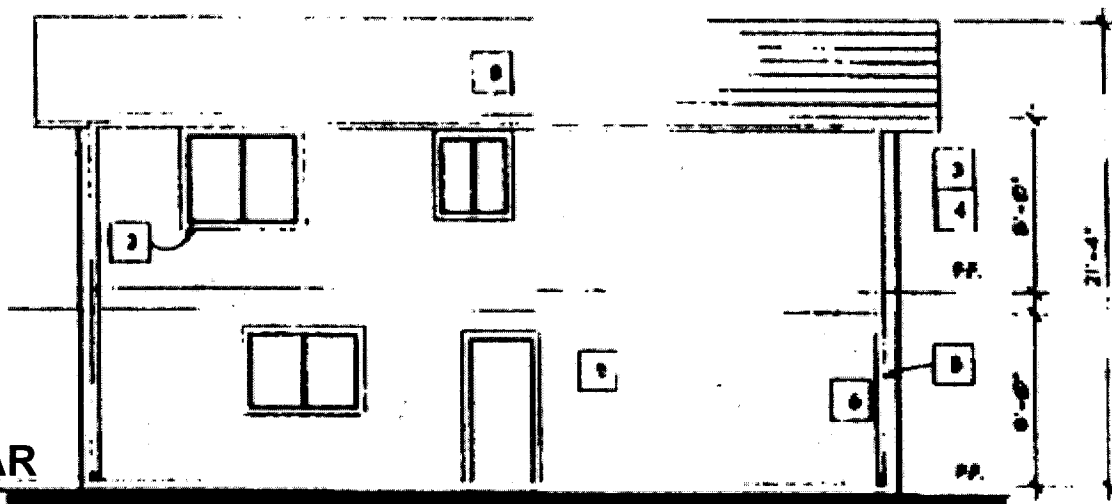
LEFT



STREET SIDE



REAR



PROJECT

Parcel Map / Conditional Use Permit
Fisher - SUB2005-00137 / CO05-0331



EXHIBIT

Elevations - Lot 3

10-28



Ted Bench/Planning/COSLO
01/24/2006 03:30 PM

To Michael Conger/Planning/COSLO@Wings

cc

bcc

Subject Fw: Oceano - Affordable Housing PUD

History:

This message has been replied to.

Hi Mike - I suggest that both the developer and any future buyers be required to enter into affordable housing agreements. That will prevent this project from "slipping through the cracks" when other staff check off for condition compliance, etc. Please be sure that the permit that you are processing - SUB2005-00137 (Mike Fisher) - has a condition regarding the affordable housing requirement. It should read as follows:

Affordable Housing Requirement (for new subdivision)

x. The residential units located on parcels w, x, y, and z shall be retained as affordable rental or ownership units for moderate income households, pursuant to LUO Section 22.12.070. Prior to or concurrent with map recordation, the subdivider shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 22.12.070A(4) and/or LUO 22.12.070D(3) shall apply to ownership units at the time of sale of the unit.

Affordable Housing Requirement (for rental project)

x. All residential units in the project - OR - a total of XX residential units, located at (give the unit number/address number, if you have it) shall be retained as affordable rental units for moderate income households, pursuant to LUO Section 22.12.070. Prior to issuance of any project construction or grading permits, the project owner shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel.

Thanks !

----- Forwarded by Ted Bench/Planning/COSLO on 01/24/2006 03:22 PM -----



Dana Lilley/Planning/COSLO

01/24/2006 02:43 PM

To Michael Conger/Planning/COSLO@Wings

cc Ted Bench

Subject Re: Oceano - Affordable Housing PUD

Yes, Mike Fisher met with me more than once. The three housing units must be affordable to moderate income households, including long-term affordability as provided in the CZLUO. Ted Bench can help with Mr. Fisher out with the process. Since these three affordable units are being provided to comply with the requirements from another development, I'm not sure whether we need another agreement recorded on the site of the subject three units. Once these housing units are completed, the buyers must be certified as moderate income - probably by the Housing Authority of SLO. When sold, the County will ensure long-term affordability by recording a deed of trust on each property for the difference between the market value and the affordable sale price. Ted can help with this.

10-29

Dana Lilley

Housing and Economic Development
San Luis Obispo County Planning and Building Department
(805) 781-5715

Michael Conger/Planning/COSLO



Michael
Conger/Planning/COSLO
01/24/2006 01:36 PM

To Dana Lilley/Planning/COSLO@Wings

cc

Subject Oceano - Affordable Housing PUD

Hi Dana...

I'm currently working on a 3-unit affordable housing PUD that was required as a condition of approval for a previous development in the Coastal Zone. The file is SUB2005-00137 (Mike Fisher) and is located at 1661 Paso Robles St in Oceano. The original development (which necessitates this project) was D010347P (demolition of a 4-unit apartment complex at 1358 Strand Way for development of 3 SFRs). I've been working with the architect, and they just recently informed me about the background of the project. The architect thinks that the owner, Mike Fisher, has been in contact with you regarding this project.

Anyway, I was just trying to find out if you had any other information on this case that would be pertinent to the development review or for the conditions.

Thanks,

--Michael

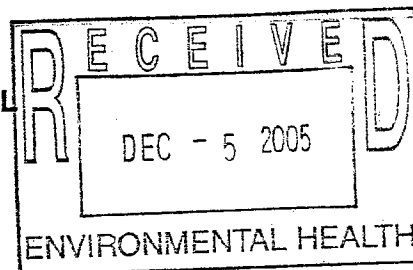


13
Me SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

10-30

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 12/2/05

TO: Env. Health

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: CO 05-0331
SUB2005-00137 Applicant: Fisher
Conc. PM w/ CUP. 3 unit PHD on Pass Robles St.
in Oceano. APN: 062-081-006.

Return this letter with your comments attached no later than: 12/18/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please provide the standard stock conditions for community, water
and community sewer.

12/16/05
Date

Samuel
Name

781-5551
Phone



me
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

10-31

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/2/05

TO: Oceans OSD

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

CO 05-0331

PROJECT DESCRIPTION: File Number: SUB2005-00137 Applicant: Fisher
Conc. PM w/ CUP. 3 unit PUD on Paso Robles St.
in Oceans. APN: 062-081-006.

Return this letter with your comments attached no later than: 12/18/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

We recommend approval upon satisfactory completion of all requirements

as stated in the OCSD Will Serve Letter

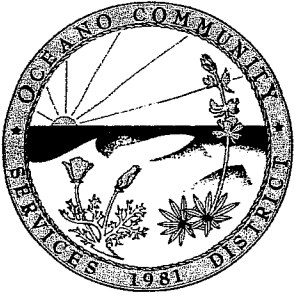
12/13/05
Date

Philip T. Davis
Name Philip T. Davis, UOS

481-6730
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>



10-32
Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

October 3, 2005

SUBJECT: APN 062-081-006; OCSD PROJECT #6352
OWNER/PROJECT: FISHER/3 UNIT PUD

Dear Mr. Fisher::

Oceano Community Services District will serve the 3 Unit PUD proposed for APN 062-081-006; subject to the following conditions:

1. Obtain valid OCSD and SSLOCSD permits. There are fees due.
2. Show onsite water and sewer services and cleanouts on plot plan.
3. Offsite improvements for water, sewer, street lighting, and/or fire protection may be required and will be determined when engineered plans are submitted for District review.
4. A fire safety plan exception of content letter has been issued
5. If any of the District facilities are required to be moved, raised, or in any way altered or changed because of required conditions of the District or any other agency having jurisdiction over the proposed development, the owner, developer, contractor, or agent responsible shall bring such facilities up to a minimum District standard of design and access.
6. If District facilities (such as water and/or sewer lines) extend into or across the subject property, you will be required to prepare and submit appropriate easement documents and/or encroachment permits for acceptance by the District's Board of Directors and recording with the County Clerk-Recorder.

Curbs, gutters and sidewalks will be required pursuant to County Ordinance 22.05.106 at owner's expense.

This will serve letter will expire October 3, 2006 and is nontransferable. The District reserves the right to review service at the time permits are issued. If you have any questions, please contact the office at (805) 481-6730.

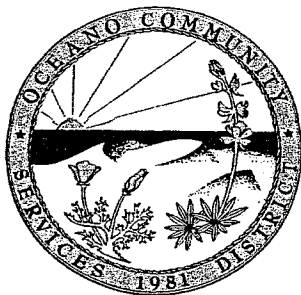
Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Francis M. Cooney, General Manager

FMC/PTD/jc

Attachment



10-33
Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

October 3, 2005

San Luis Obispo County
Planning & Building Department
Rm 317, County Government Center
San Luis Obispo, CA 93408

Attention: Sue Kowal

**SUBJECT: FIRE SAFETY PLAN APN 062-081-006; OCSD PROJECT # 6353
NAME/PROJECT; FISHER/3 UNIT PUD**

Dear Ms. Kowal:

After reviewing information concerning the above building permit application, OCSD has determined that this project falls under the EXCEPTION OF CONTENT REQUIREMENT (Section 22.05.082, a (3)). As a result, the District will not require the builder to submit a fire safety plan.

If you have any questions, or require further information, please feel free to call.

Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Philip T. Davis

Philip T. Davis, Utility Operations Supervisor
For Francis M. Cooney, General Manager

FMC/PTD/jc



10-34

February 8, 2006

Michael Conger
County of San Luis Obispo
Department of Planning and Building
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Fisher PUD Project Referral

Dear Mr. Conger,

Thank you for including the San Luis Obispo County Air Pollution Control District (SLO APCD) in the environmental review process. We have completed our review of the proposed project located at 1661 Paso Robles St in Oceano. This project involves the division of an 8400 sq ft site into three (3) lots for future planned development of three single-family residential units. The site is currently developed with a single residential house, non-native plants and a single tree. The following are APCD comments that are pertinent to this project.

Infill within City Limits & URL

Allowing for infill within the Urban Reserve Line is consistent with the land use goals and policies of the Clean Air Plan. District staff would encourage increasing the density of any future development to the extent allowed by the zoning requirements. Increasing density can reduce trips and travel distances and encourage the use of alternative forms of transportation.

We would like to commend the applicant on several elements of the project design:

1. The project provides development within the city limits with nearby access to commercial services and transit service, which will reduce dependence on driving;
2. The project provides development within the URL where such development is planned for and expected;
3. The proposed residential buildings are two stories, resulting in a greater floor to area ratio. This creates a higher density land use, making transit services more viable and effective; and,
4. An important part of the project review process is a consistency analysis with the District's Clean Air Plan (CAP). The CAP was developed to address issues that contribute to poor air quality in our area, and to identify strategies to reduce those impacts; this includes land use policies designed to reduce reliance on the automobile, such as compact, infill and mixed-use development. The proposed project is consistent with the surrounding land uses and provides development where such development is planned and expected. The proposed project has been determined to be consistent with the CAP.

10-35

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

Demolition Activities

The project referral indicated that there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and

10-36

- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators (50 hp or greater);
- IC engines;
- Rock and pavement crushing; and.
- Tub grinders.

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE MITIGATION

Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;

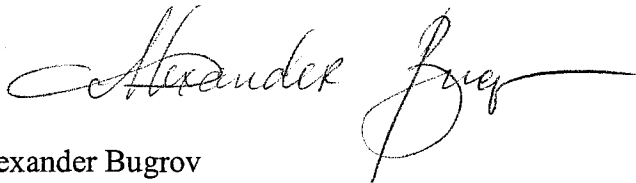
10-37

- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Alexander Bugrov
Air Quality Specialist

AAB/sll

cc: Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Karen Brooks, Enforcement Division, APCD
Mr. Albert M Fisher

Attachments: Naturally Occurring Asbestos - Exemption Request Form.



mc
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

10-38

13
VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/2/05

From TO: PW

To FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

CO 05-0331

PROJECT DESCRIPTION: File Number: SUB2005-00137 Applicant: Fisher
Conc. PMW CUP. 3 unit PHD on Pass Robles St.
in Oceano. APN: 062-081-006.

Return this letter with your comments attached no later than: 12/18/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

- SEE ATTACHED STOCK CONDITIONS
- SEE ATTACHED "PUBLIC WORKS COMMENTS"

1.6.06
Date

Glenn Marshall
Name

x1596
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

File No: SUB2005-00137 CO 05-0331
Applicant: FISHER
Description: 3 UNIT PUD, PASO ROBLES ST, OCEANO

10-39

PUBLIC WORKS COMMENTS

1. Sheet TP: Remove reference to City of Grover Beach in "Architect's Certification"
2. Sheet TP: Show and label Lot 1 guest parking easement over Lot 2. Does this affect the net area calculations for Lot 2?
3. Sheet TP: Show and label drainage easements.
4. Shallow retention basin side slopes cannot exceed 1:5.
5. Retention basin grading is not allowed within a street frontage PUE (per PG&E).
6. Recommend underground basins to provide future owners a more usable yard area and less chance of them leveling their yards (filling in the basins). This area contributes to existing drainage issues at the intersection of Highway 1 and Paso Robles Street.
7. Retaining walls or curbs may be required along all property lines.
8. Radius all drive isle curbs and edges of pavement with R=3' minimum.

CONDITIONS OF APPROVAL FOR CO 05-0331Approved Project

This approval authorizes the division of a 0.19 acre parcel into 3 parcels of 2400 SF, 2875 SF & 3125 SF ~~acres/square feet each.~~

Access and Improvements

Roads and/or streets to be constructed to the following standards:

- a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.
- b. PASO ROBLES ST widened to complete a A-Z URBAN section fronting the property.
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).



The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____, to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A _____ foot radius property line return at the intersection of _____.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

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- ☐ The intersection of _____ and _____ be designed in accordance with California Highway Design Manual.
 - ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
 - ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
 - ☐ A private easement be reserved on the map for access to lots _____.
 - ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
 - ☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - ~~g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.~~
 - ~~h. Trail plan, to be approved jointly with the Park Division.~~
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☐ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

10-42

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - ☒ a. granted to the public in fee free of any encumbrance.
 - ☒ b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - ☒ c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WQID # to County*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

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- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground / overhead**.
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☒ A 6' feet public utility easement on private property along Paso Robles St, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

10-44

- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

10-45

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building***. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☒ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (*ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN*)
 - b. Drainage basin perimeter landscape screening. (*ONLY USE FOR FENCED BASINS*)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

- ☐ _____
- ☐ _____

Additional Map Sheet

- ☒ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

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- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Covenants, Conditions and Restrictions

10-47

- ☐ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- ☒ b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- ☒ c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

Miscellaneous

10-48

- ☐ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☐ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.